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ORIGINATOR

DERIVED FROM: NSA/CSSM 1-52 DATED: 23 November 2004 DECLASSIFY ON: 20291123

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SECURITY CLASSIFICATION

PHONE (Secure) 963-2984

TOP SECRET//COMINT//NOFORM//20291123

DATE PREPARED
22 November 2005

DOCID: 4165193

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# NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

14 December 2005

#### MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//FOUO) Report to the Intelligence Oversight Board on NSA

Activities - INFORMATION MEMORANDUM

(U//FOUO) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 30 September 2005 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U/FOUO) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence) Oversight) are described in the enclosure.

JOEL F. BRENNER

ROBERT L. DEITZ

General Counsel

(U//FOUO) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KETTH'B. ÁLEXANDER Lieutenant General, U. S. Army

Director, NSA/Chief, CSS

Encl:

Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified Upon Removal of Enclosure

**DERIVED FROM: NSA/CSSPM 1-52** 

DATED: 23NOV04

DECLASSIFY ON: 20291123

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# 1. (U) INSPECTOR GENERAL ACTIVITIES

a. (C//SI) During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (EOs), Attorney General (AG) procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. (b)(3)-P.L. 86-36 b. (U//<del>FOUO)</del> The inspection of the conducted in August 2004 was closed with both intelligence oversight (IO) findings rectified. Reporting feedback was provided and IO program processes were documented to ensure program sustainability. 2. (U) GENERAL COUNSEL ACTIVITIES (C//SI) The NSA/CSS Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EOs, AG procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons (USP); the reporting of possible violations of federal criminal law contained in signals intelligence (SIGINT) product; the testing of electronic equipment, and the applicability of the Foreign Intelligence Surveillance Act (FISA). With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC directed the briefing of employees with reference to the impropriety of tasking the assigned to U.S. SIGINT System for personal reasons. The OGC did not file any reports with the Intelligence Oversight Board during this quarter. 3. (U) SIGINT ACTIVITIES (b)(1)(b)(3)-P.L. 86-36 (b) (3) - 50 USC 3024(i)a.—(S//SI) Collection Against U.S. Persons (b) (1) (1) (U) Intentional (b) (3) - P.L. 86 - 36a. (TS//SI) During this quarter, the Director, NSA/Chief CSS U.S. (DIRNSA/CHCSS) granted approval for consensual collection against Derived From: NSA/CSSM 1-52 Dated: 20041123

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		TOI SECRETI/CON	MIN 17/NOFOKN//Y	VIK //	- (E) (a) -	-50 USC 3024(i)
person	s. DIRNSA/CI	HCSS also approved r	on-consensual c	ollection o	of	
Ţ,				/ /	<u> </u>	
				<u> </u>		
				and	U.S. Citi	zens
	hostage by					<u></u>
ot			Mr. DIDNE	A ACTICO	O	
conser	sual collection	against IIS ners	The DIRNS ons was routinel			
0011001	isaar conceinin	against	ons was routiner	y termina	ived unis qu	·
	b. (S//SI) The	AG granted authorit	y to collect the co	ommunica	ations of	U.S.
person	as during this q			*******************		_
					b) (1) (b) (3)	l) 3)-P.L. 86-36
	(2) (U) Uninte	entional			, , ,	
		This quarter, there			_	
	-	ed communications to		_		
		elligence tasking. All				-4-h
respoi querie		t officials, and correct	ave actions were g mistakes resul			
_	n information i		ntioned instance			
•		l, and all data retriev		_		
		eled, and analysts we		_		
		b)(1)			and the state of t	(b)(3)-P.L. 86-36
	•	b)(3)-P.L. 86-36		•1•.	and the same and t	(10) (10) 1121 111
gover		O) The NSA/CSS suppations by performing (	•			
	_	nent established with				
	0 0	he organization's info	,,,,,,,,	•		1
		ir defensive informat				S OIG
is con	ducting an inq	uiry into an alleged in				J <sub>.</sub> . ,
Poodi	in aga Agas games	during an author	rized Communica	ations Sec	urity Oper	ational The
	iness Assessme	outcome upon comple	tion			The
Old (	viii report the v	outcome upon comple	tion.			
	b. <del>-(TS//SI)</del> '	We reported a delay i	n database select	tion term	detasking	last
		port dated 22 August				rized
_		ommunicants were re	_	_		
termi		electors associated wi	th the U.S. perso	ons was d		·
collec	tion at	ring of the selectors			As a res	hen the
	The state of the s	d. The communication	ns contained		\	
	yrus discovered	i. The communication	ins contained			4
			******************	***************		
(b)(1) (b)(3)-P.L. 86	-36	Trip cran rouge	2 	//MD		
(b) (3) -50 USC		TOP SECRET//CO	MINT//NOFORN/	TIVIK	(b) (1	L)
						3)-P.L. 86-36

a. <del> (S//SI)</del> During this quarter, the Signals Intelligence Directorate (SID)
cancelled SIGINT products because they contained the identities of U.S. persons,
organizations, or entities; those products that contained information derived from
communications of U.S. persons were not reissued.

b. <del>(TS//SI)</del>		released	reports containing
the identities of U.	S. persons or based on	the communicat	ions of persons later
identified as U.S. p	ersons. In all instance	s, canc	elled the reports, which
were either not reis	ssued or were reissued	with the proper	minimization.

(b)(1) (b)(3)-P.L. 8

(b) (1)

(b)(3)-P.L. 86-36

(b) (3) - 50 USC 3024(i)

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#### TOP SECRET//COMINT//NOFORN//MR

# (3) (U) Raw Traffic Dissemination — SIGINT Production Chain

a. <del>(S//SI)</del>	(b)(1)
	(b)(3)-P.L.
The SID ensures that the personnel are	
trained by the OGC on NSA/CSS's legal restrictions and on proper handling and	
dissemination of SIGINT data Such persons	<u>;                                    </u>
working in or with SID during this quarter included representatives of	4
	-P.L. 86-36
4. (U) Other Activities (b) (1)	
$(\mathcal{D}_{\mathcal{N}}(3) - \mathcal{P} \cdot \mathcal{I})$	. 86-36 USC 3024(i)
a. (U// <del>FOUO)</del> FISA Incidents	,
(1) (TS//SI// NF) As reported last quarter an error resulted in a large influx of	
NSA/CSS authorized and unauthorized data by an	
(See our report dated 22 August 2005.) The collected data has been screened and	the
unauthorized information has been destroyed.	
(2) <del>(TS//SI/NF)</del>	
(2) (10)(0)(1417)	<del></del>
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OOCID: 4165193 ~		(b) (1)
,		(b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)
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	<del>1</del> <del>1</del> 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1.1
domonatnoto NCA's annual	***************************************	curred this quarter
	nandling of this collection in a	
_	d as described to the FISC by	The base of the state of the st
	such incidents that are handl	
minimization procedures wi	ll not be included in this repo	(b) (3) -P.L. 86-
(a <del>) (TS//SI//NF) T</del> he ex	montation of	
(a) (15//5b/14F) The ex		the FISA Court began on
Collection		wak) (1)
terminated	when the NSA/CSS analyst r	realized that the person (3)-P.L. 86
T	J.S. person not associated wit	th the authorized target.
(1) [was a (	7.5. perborraro abbocratea wit	/ / /
(3) -18		/
Collected	d data was purged from the	database, and the
. 1	range Programme Programme	There was no
unauthorized disclosure or	use of this collection, and no r	/
result of the inadvertent col		,
		<u>·</u>
(b) (TS//SL//NF) NSA/(	css	analysts targeted a
associated	with the	/ /
authorized	under FISA.	the analyst learned
that the individual	was not the expected	l target,
<u> </u>		
		use NSA does not have
authority to target the	th	ne collected data was
and the second s		(b)(3)-P.L. 86-36 (b)(3)-18 USC 798
1)		-50 USC 3024(i
3)-P.L. 86-36 (c) <del>(TS//SI//NF)</del>		
	as autno	orized by the FISA Court. On
		4
		ere taken to stop all tasking
NGA/GGG 1 t 1	The collected data was ide	ntined and deleted from
NSA/CSS databases.		(b) (1)
	5	(b)(3)-P.L. 86-36 (b)(3)-18 USC 798
<del>- TC</del>	P SECRET!/COMINT//NOFORA	

CID: 4165193	· ~.	(b) (1) (b) (3) -P.L. 86-36
	OP SECRET//COMINT//NOFORN//MR	(b) (3) -18 USC 798 (b) (3) -50 USC 3024(
(d) (TS//SI//NF)		
		<b>en</b>
The collection	was deleted from the	and the
database.	b) (3) -P.L. 86-36	and the
c. (U// <del>FOUO)</del> Misuse of t	be U.S. SIGINT System	
last quarter. (See our replanguage analyst at the the collection of a U.S. perimmediately suspended a suspended by the Navy Computer infractions, the	G completed the investigation into the interest dated 22 August 2005.)  deliberately and without an authorized reson's email address. The analyst's datalend access to Sensitive Compartmented Ironmander. As a result of this violation at analyst received non-judicial punishmented on a hearing under Article 15 of the University of the Un	a military ted purpose tasked base access was aformation was and other unrelated at from the Navy
d. (U) Assistance to Law	Enforcement (b) (1) (b) (3) -P.L. 86-	-36
— (S//SI) During this quarte linguistic assistance from	er, the SID responded to request for a	inalytical and
e. (U) Working Aids		
	e of Oversight and Compliance maintain	

(U//FOUO) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of dissemination authorities on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID SP0018 are also available on-line.